

references cited by the Examiner fail to teach or disclose relationship between the V_R and the product of the Shore D hardness of the inner and outer layer.

As acknowledged by the Examiner in the pending office action, Yamagishi '413 fails to teach or disclose dimples. Accordingly, Yamagishi cannot possibly teach the relationship between the V_R and the product of the Shore D hardness of the inner and outer layer.

Yamagishi '563 discloses a plurality of dimples as shown in Figure 3 and summarized in the table below.

	Layers of balls	Core hardness (100 kg)	Inner cover		Outer cover		Product * of hardness	Dimple Types	Dimple Types	V_R^{**}
			type	Shore D	Type	Shore D				
Ex 1	3P	2.2	a	40	A	45	1800	I	3 types	1.014
Ex 2	3P	2.2	a	40	A	45	1800	II	3 types	0.996
Ex 3	3P	2.6	a	40	B	53	2120	I	3 types	1.014
Ex 4	3P	3.3	b	65	B	53	3445	II	3 types	0.996
CE 1	2P	2.5	--	--	C	55	--	I	3 types	1.014
CE 2	3P	2.2	a	40	A	45	1800	III	2 types	0.67
CE 3	3P	4	a	40	D	65	2600	I	3 types	1.014

*Product of hardness signifies the product of Shore D hardness of the inner and outer layers. **Calculated V_R value based on the data of Table 3 of the cited reference.

The Examiner relies on the dimples disclosed in Type II of Table 3 of Yamagishi '563. The Examiner states that these dimples produce a V_0 value of 0.40 to 0.65 and therefore it would have been obvious to modify the Yamagishi '413 golf ball with the Type II dimples taught in Yamagishi '563 in order "to improve flying distance, controllability, straight travel and roll." Applicant disagrees.

First, the Examiner relies on the V_0 values taught by Yamagishi '563 while the claims clearly recites V_R values. Furthermore, it is clearly explained in the pending application that V_0 values and V_R values are not the same thing. Therefore, the Examiner cannot use the V_0 values to teach limitations of applicant's claims that are directed to V_R values.

Second, as shown in the above table, the V_R values of the Type II dimple pattern taught by Yamagishi '563 fall outside the range recited in claim 1. Specifically, Ex. 2 golf ball has a product of hardness of 1800 which would, under claim 1, require a V_R value of 0.80 to 0.95. However, as can be seen from the table above, Ex. 2 golf ball has a V_R value of 0.996 which is greater than the claimed range. Additionally, Ex. 4 golf ball has a product of hardness of 3445 which would require a V_R value of 0.65 to 0.95. Once again, Ex. 4 golf ball has a V_R value of 0.996 which is greater than the claimed range. Accordingly, the Type II golf balls of Yamagishi '563 do not teach the claimed relationship between the V_R and the product of the Shore D hardness of the inner and outer layer.

Finally, the remaining dimple Types disclosed in Table 3 of Yamagishi '563 also do not teach or suggest the claimed relationship. Type I dimple pattern has a V_R value that is 1.014 which is greater than the claimed V_R value regardless of the hardness product. Also, Type III dimple pattern only uses 2 types of dimples, contrary to claim 1 which requires at least 3 types of dimples. Furthermore, Type III dimple pattern teaches a V_R value of 0.67, thereby requiring a corresponding hardness product of 3000-3500 or 3500-4000. However, the product hardness taught by Yamagishi regarding Type III dimple pattern is 1800, which is far below the claimed range.

Thus, based on the above remarks, it is clear that neither Yamagishi reference teaches the recited relationship between the V_R value and the hardness product of the inner and outer cover. Accordingly, the Examiner has not put forth any evidence which teaches or suggests the relationship between the V_R value and the hardness product of the inner and outer cover. Therefore, since the cited references fail to teach or suggest all of the limitations of claims 1-3, Applicant respectfully requests that the rejection of claims 1-3 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

II. Double Patenting Rejections

Claims 1-3 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of co-pending U.S. Application No. 09/764,307. Additionally, claims 1-3 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of co-pending U.S. Application No. 09/764,139. Further, claims 1-3 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of co-pending U.S. Application No. 09/764,316. Applicant submits herewith a terminal disclaimer which disclaims the terminal part of the cited references. As a result, Applicant submits that the double patenting rejections are now moot.

The submission of the Terminal Disclaimer is not intended as an admission that the claims of the Patent applied by the Examiner are substantively sufficient to support the Examiner's rejection.

RESPONSE UNDER 37 C.F.R. § 1.111
Appln. No.: 09/511,898

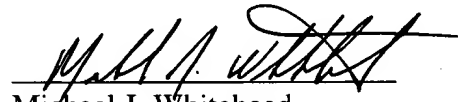
Attorney Docket No.: Q58044

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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